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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/657,752 Confirmation No. : 1173  
Applicant : KENNETH ALBERT, et al.  
Filed : September 9, 2003  
TC/A.U. : 1614  
Examiner :  
Docket No. : 100338.54203US  
Customer No. : 23911  
Title : CHRONOTHERAPEUTIC DILTIAZEM  
FORMULATIONS AND THE ADMINISTRATION  
THEREOF

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §§ 1.97 and 1.98**

**Mail Stop =====**

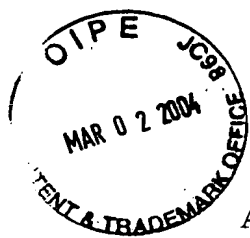
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 CFR §1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached Form PTO-1449 and/or listed herein and which the Examiner may deem relevant to patentability of the claims of the above-identified application.

Applicant encloses herewith a copy of a corresponding foreign Search Report citing such documents, together with an English-language version (if not already included) of that portion of the Search Report indicating the degree of relevance found by the foreign office.

The present Information Disclosure Statement is being filed before the mailing date of the first Office Action on the merits. Furthermore, I hereby



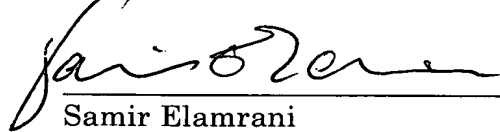
certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement and therefore no fee under 37 C.F.R. §1.17(p) is required.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

If necessary, the paper should be considered as a petition for consideration of the Information Disclosure Statement under 37 C.F.R. §1.97(d)(2) and that the petition fee set forth in 37 C.F.R. §1.17(i) in accordance with 37 C.F.R. §1.97(d)(3) should be charged to Deposit Account No. 05-1323 (Docket #100338.54203US).

March 2, 2004

Respectfully submitted,

  
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